ITEM 1008-D
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ORIGINAL

97TH CONGRESS 2d Session } HOUSE OF REPRESENTATIVES { REPORT No. 97-579

COMPLETED

RESOLUTION OF INQUIRY CONCERNING ROBERTO D'AUBUISSON

MAY 20, 1982.—Referred to the House Calendar and ordered to be printed

Mr. ZABLOCKI, from the Committee on Foreign Affairs, submitted the following

REPORT

[To accompany H. Res. 465]

The Committee on Foreign Affairs, to whom was referred the resolution (H. Res. 465) directing the Secretary of State to provide to the House of Representatives certain information concerning Roberto D'Aubuisson, reports thereon with an amendment and without recommendation.

The amendment (stated in terms of the page and line numbers of the introduced resolution) is as follows:

Page 2, strike out lines 1 through 11 and insert in lieu thereof the following:

> (2) Any document in the possession of the Secretary from United States Embassy officials in El Salvador that reports the individual or group responsible for the March 1981 shooting attack on the United States Embassy in San Salvador.
>
> (3) All documents in the possession of the Secretary reporting statements by Robert D'Aubuisson and members of the ARENA party, during D'Aubuisson's recent election campaign in El Salvador, concerning future United States-Salvadoran relations, including any statement concerning United States assistance.

COMMITTEE ACTION

On May 11, 1982, House Resolution 465 was introduced by Hon. Fortney H. Stark and referred to the Committee on Foreign Affairs. On May 12, the chairman of the committee, Hon. Clement J. Zablocki, scheduled a committee meeting on the resolution for May 19 and wrote the Secretary of State requesting his comments on the resolution. The Department of State's reply was received by the committee on May 19. On the same day, the Committee on Foreign Affairs met as scheduled in open session to consider the resolution. In the course of its consideration of House Resolution 465, the committee heard the testimony of

Hon. Fortney H. Stark, the sponsor of the resolution, and Mr. Craig Johnstone, Director for Central American Affairs, Department of State. After deliberation, the committee ordered the resolution, with amendment, reported without recommendation by voice vote.

COMMITTEE COMMENT

The committee's action is based on the following circumstances:

1. The committee agreed that the initial reply of the Department of State to the resolution of inquiry was clearly unresponsive to the issues raised in the resolution.

2. It is the committee's expectation that the Department of State will provide the information and documents called for in the resolution in conjunction with a briefing for the chairman and ranking minority member of the committee and other interested members on Thursday, May 27.

3. The committee and sponsor of the resolution, Mr. Stark, agreed that the resolution be reported without recommendation, with the understanding that the information and documents called for in the resolution will be presented to the committee at the meeting on Thursday, May 27. If the briefing is responsive to the resolution, it is the intent of the committee to take appropriate action to dispose of the resolution.

The text of the resolution as introduced and the correspondence between the chairman of the Foreign Affairs Committee and the Department of State on the resolution of inquiry follows:

[H .Res. 465, 97th Cong., 2d sess.]

RESOLUTION Directing the Secretary of State to provide to the House of Representatives certain information concerning Roberto D'Aubuisson

Resolved, That the Secretary of State shall furnish to the House of Representatives, not later than ten days after the adoption of this resolution, full and complete information on the following:

(1) All documents in the possession of the Secretary concerning the revocation of the visa issued to Roberto D'Aubuisson, formerly a major in the army of El Salvador.

(2) Any document in the possession of the Secretary which reports that Roberto D'Aubuisson claimed credit, in March, 1981, for a shooting attack on the United States Embassy in San Salvador.

(3) All documents in the possession of the Secretary reporting public statements by Roberto D'Aubuisson, during his recent election campaign in El Salvador, concerning future United States-Salvadoran relations, including his statement that the only thing he wanted from the United States was napalm to wipe out the "left".

(4) All documents in the possession of the Secretary that identify or explain the procedure which is followed in considering a visa application from an indivi[illegible] who has previously been excluded from entering the Un[illegible] States or has had a visa revoked, including documents containing findings or recommendations concerning the information and issues to be considered when reviewing such an application.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, D.C., May 12, 1982.

Hon. ALEXANDER M. HAIG, Jr.,
Secretary, Department of State, Washington, D.C.

DEAR MR. SECRETARY: I am writing to request your comments on H. Res. 465, a resolution of inquiry which was introduced in the House on May 11, 1982 and referred to the Committee on Foreign Affairs.

H. Res. 465 directs the Secretary of State to provide to the House of Representatives certain information concerning Roberto D'Aubuisson. Enclosed are two copies of the resolution.

As you know, the Committee must act on this resolution within 7 legislative days, beginning May 12. Therefore, I respectfully request that this information be provided to the Committee not later than Tuesday, May 18.

With best regards, I am

Sincerely yours,

CLEMENT J. ZABLOCKI, *Chairman.*

DEPARTMENT OF STATE,
Washington, D.C.

Hon. CLEMENT J. ZABLOCKI,
Chairman, Committee on Foreign Affairs,
House of Representatives.

DEAR MR. CHAIRMAN: I refer to your letter of May 12 requesting comment about H. Res. 465 directing the Secretary of State to provide to the House of Representatives certain information concerning Roberto D'Aubuisson. The Department greatly appreciates the opportunity to respond to your request.

It is the Department's view that release of documents requested in paragraph 1 of H. Res 465 would not be consistent with current law. Section 222(f) of the Immigration and Nationality Act provides that "the records of the Department of State and of diplomatic and consular offices of the United States pertaining to the issuance or refusal of visas or permits to enter the United States shall be considered confidential and shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States, except . . . such records may be made available to a court which certifies that the information contained in such records is needed by the court in the interest of the ends of justice in a case pending before the court." The Department therefore under present law, is not authorized to provide the documents requested about Major D'Aubuisson's visa case.

With reference to paragraph 2 of the resolution, it will be necessary to research the incident in question to determine if any report exists of any statement by Roberto O'Aubuisson relating thereto. When and if such a report can be located we will inform the committee.

With regard to information in paragraph 3 about Mr. D'Aubuisson's recent election campaign and particularly references to US-Salvadoran relations and an alleged statement about "napalm," the Department is writing to Congressman Stark, who requested similar

information, to indicate it will review FBIS reports and Embassy San Salvador reporting cables and forward any unclassified material on this subject. As you are aware, the Department does not normally release classified information on foreign affairs issues to individual members of Congress. The Department responds as best it can, consistent with the nature of classified or priveleged information and the law, to requests on foreign affairs topics from you as House Foreign Affairs Committee Chairman and from your Sub-committee Chairmen.

With respect to paragraph 4 of the resolution, that information is alre dy available to the Congress in the Department's published visa regulations, specifically in 22 CFR sec. 41.90, 41.130 and 41.134, which are enclosed.

I hope this satisfies your request for information on this matter.

Sincerely,

POWELL A. MOORE,
Assistant Secretary
for Congressional Relations.

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